

United States District Court

Northern District of Ohio
Office of the Clerk
801 West Superior Avenue
Cleveland, Ohio 44113-1830

Geri M. Smith
Clerk of Court

(216) 357-7000

Writer's Direct Dial 216-357-7007

July 23, 2010

VIA E-MAIL TRANSMISSION

Mary Ann Rabin
Rabin & Rabin Co., LPA
1510 Illuminating Bldg.
55 Public Square
Cleveland, OH 44113

Re: **Energy West, Inc. v. United States Power Fund, L.P.**
United States District Court Case No. 1:09 CV 0591

Dear Ms. Rabin:

In accordance with Local Rule 16.6(c), you have been selected as the potential Mediator in the above referenced case. It is requested that you perform a conflict check to determine whether you can serve as the Mediator. Please advise me of your availability as soon as possible. I am providing you with a copy of the docket sheet which discloses the names of the parties and attorneys of record, which will enable you to check for potential conflicts of interest. Also, enclosed is a copy of the Order of Referral to Mediation for your information.

Please respond to this request by **Thursday, July 29, 2010**. Pursuant to the Order of July 15, 2010, the mediation process must be completed by September 15, 2010, with a report to be manually filed within 10 days of conclusion of the initial or subsequent mediation conference(s), or in any event not later than September 29, 2010. If you agree to accept assignment as the Mediator, please update your e-mail notification list in CM/ECF in order to ensure that you will receive all further ADR notifications, documents and correspondence through electronic notification. Finally, if for some reason you must decline, it is imperative that your response is received by the ADR office by the date requested.

I thank you for your prompt attention to this request.

Very truly yours,

/s/ **Peggy Nichols**
ADR Administrator

Enc.

ltr-neu.frm

U.S. Court House
568 Federal Building
2 South Main Street
Akron, OH 44308-1876
330-252-6000

114 U.S. Courthouse
1716 Spielbusch Avenue
Toledo, Ohio 43624-1347
(419) 213-5500

337 Thomas D. Lambros
Federal Building and U.S. Court House
125 Market Street
Youngstown, OH 44503-1787
330-884-7400

CERTIFICATE OF SERVICE

A copy of the within letter requesting a conflict check was filed electronically this 23rd day of July, 2010. Notice of this filing will be sent to all parties by operation of the court's electronic filing system. Parties may access this filing through the court's system.

/s/ Peggy Nichols
ADR Administrator
216-357-7007
Fax 216-357-7040
Peggy_Nichols@ohnd.uscourts.gov